



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	50103-352	5600

7590 05/27/2003

John A. Hankins  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/911,740

Applicant(s)

GOKER ET AL.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohshita, EP 0467143 A2.

Referring to claims 1-3 and 9, Ohshita teaches a tape drive mechanism comprising a hub filler 3 coupled to a guide rail 5b; and means for preventing detachment (comprising a guide arm 17, 18, coupled to the hub filler 3; and a guide arm motor 21 coupled to the guide arm 17, 18) of an end of tape 2 from the hub filler during a tape unloading operation, as shown in Fig. 3; wherein the guide arm 17, 18, and the guide arm motor 21 are arranged to provide or controllably drag (when the tape drive mechanism is activated by cartridge 1 and machine reel 4) on a tape being unloaded from the tape drive mechanism.

Referring to claims 4 and 11, the guide arm 17, 18 and the guide arm motor 21 are arranged to be dragged by the tape 406 being unloaded from the tape drive mechanism when the cartridge 1 is unloading the tape from the tape drive mechanism or when the machine reel 4 is winding, as shown in Fig. 3.

Claims 1-4, 9, 11 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Theobald, U.S. 6082652.

Theobald discloses applicants' claimed invention, specifically teaching a tape drive mechanism 100 and a method of preventing detachment of an end of tape from a hub filler during an unloading operation, comprising: a hub filler 106, 114; a guide rail 118; and means for preventing detachment 116, 122 comprising a guide arm 122 and a guide arm motor (see Fig. 2, the load motor coupled to 122), column 4, lines 6-10; wherein the guide arm and the guide arm motor are arranged to provide or controllably drag/tension on a tape and to be dragged/tensioned by the tape being unloaded from the tape drive mechanism.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 12-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald, U.S. Patent No. 6082652, as applied to claims 1-4, 9, 11, and 16-7 above.

With respect to claims 5, 7, 12, 14, and 18-20, Theobald's tape drive mechanism inherently has a controller to control the guide arm motor, a take-up reel motor (Fig. 1,

Art Unit: 3654

the motor coupled to 112), and a cartridge motor (Fig. 1, the motor coupled to 104) during the unloading and the loading operation (column 4, lines 38-column 5, lines 25). Although Theobald does not specifically disclose the guide arm motor to be an induction motor, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an induction motor for the guide arm motor as an obvious alternative design choice.

With respect to claims 6, 8, 13, and 15, the applied force to the hub filler is in an opposite direction to a direction that the hub filler is traveling in the unloading operation.

### ***Response to Arguments***

Applicants' arguments filed on 4/25/03 have been fully considered but are not persuasive with respect to claims 1-20. Claim 10 has been cancelled.

Applicants argue that in claim 1, "the appearance of these limitations specifically in the claim are not necessary when means plus function format is used to cast elements in a claim. The Examiner is required, and it is not optional, to compare the structures of the allegedly anticipating reference with the structure disclosed in the specification to consider whether there is a structural equivalent. Thus, the Examiner must consider certain features of the present invention disclosed in the specification, such as the guide arm and the guide motor, which provide drag on the tape being unloaded."

The Examiner disagrees with the applicants' argument because the Examiner is required to compare the structures of the allegedly anticipating reference with the

structure disclosed in the specification to consider where there is a specified functional equivalent, but not "a structural equivalent" as applicants may wish to believe.

Applicants are misinterpreting the 35 U.S.C. 112, sixth paragraph.

Therefore, applicants' arguments are not commensurate with the scope of the claim. Claim 1 has no limitations of the guide arm and the guide arm motor providing drag on the tape being unloaded.

Applicants argue that the present invention provides a controlled drag in a controlled application of force and does not rely just upon gravity or the minute tension that may possibly be provided by certain elements.

The Examiner disagrees with the applicants' argument because "a controlled drag" was never cited in claims 1-4 and 11. The recitation of "controllably" has been added to a new amended claim 9 only. Even with the amended claim 9, the limitation of "controllably drag" is still met by Oshita by simply activating and non-activating the tape drive mechanism which the cartridge 1 and the machine reel 4 reels the tape 2, creating a tension and a drag in a controlled manner of by activating and non-activating.

Applicants argue, "there is no factual evidence provided by the Examiner that the link 122 actually provides drag/tension on the tape".

The Examiner disagrees with the applicants because as the take up reel 112 is rotated, it pulls the hub filler 106, 114 which is connected to the link 122. When the tape is pulled which is connected to the link 122, it creates not only a tension but also a drag.

Applicants argue, "there is no motivation suggested by the Examiner as to why one of ordinary skill in the art would have selected an induction motor that provides

tension on the tape, nor a controller arranged to control the guide arm motor in such a fashion.” Furthermore, Applicants argue that there are no teachings of providing tension by magnetic resistance within the guide arm motor.

The Examiner disagrees with the applicants because as indicated in the specification on page 9, 2<sup>nd</sup> paragraph, “In these embodiments, the guide arm motor 414 is an induction motor. However, in other embodiments of the present invention, the guide arm motor 414 is not limited to an induction motor”. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an induction motor for the guide arm motor as an obvious alternative design choice.

Applicants argue that there is no description whatsoever in Theobald of such forces regarding frictional resistance of the guide arm applies force to the hub filler in an opposite direction to the direction that the hub filler is traveling the unloading operation.

The Examiner disagrees with the applicants because as the hub filler is pulled then the guide arm is also pulled along with the hub creating a frictional resistance between the two in an opposite direction.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3654

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 308-0552 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

5/21/03

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600